

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

v.

CRIM. NO. 97-271 (GAG)

CARLOS GUTIERREZ-NARANJO,

Defendant,

RECEIVED AND FILED
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U.S. DISTRICT COURT
SAN JUAN, P.R.

MOTION FOR LEAVE TO AMEND MOTION TO ISSUE
MANDAMUS FOR THE RETURN OF PROPERTY UNDER
RULE 15(a) FED.R.CIV.P. 28 UNITED STATES CODE

COMES NOW defendant pro se, at FCI Fort Dix, N.J., files this motion for leave to request permission to amend motion to issue mandamus for the return of property under Rule 15(a) F.R.Civ.P 28 U.S.C. The defendant basis this request on the grounds set forth below.

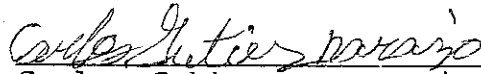
1) On or about June 18, 2007, the government filed a response to the defendant's motion for the return of property under Rule 41(g) and §1361, which included a Bayliner motorboat and an apache motorboat.

2) The defendant noticed that the government's response did not address the defendant's bank accounts and monetary deposits at the Banco Popular de Puerto Rico, who informed the defendant recently through a third party contact telephone call that the government is in possession of the defendant's monetary deposits which included his checking, savings and card accounts with the bank in 1996-1997.

3) Therefore, the defendant request leave of court to amend his pending motion to include the monetary deposits at Banco Popular de Puerto Rico, which included the following accounts; checking, saving and card, that was last operated by defendant in 1997.

Wherefore, the defendant prays that this motion of leave of court to amend be granted.

Respectfully Submitted,



Carlos Gutierrez-Naranjo
#31804-039
FCI Fort Dix
P.O.Box 2000
Fort Dix, NJ 08640.

July 7, 2007.

DECLARATION:

I declare under the penalty of perjury that the statements contained herewith is true and correct. §1746
28 United States Code.


Carlos Gutierrez-Naranjo

PROOF OF SERVICE

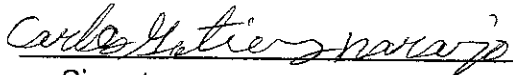
I certify that on 07-07-07 (date) I mailed a copy of this brief and all attachments via first class mail to the following parties at the addresses listed below:

Aramis G. Rios
Assistant US Attorney
Torre Chardon Suite 1201
350 Chardon St.
Hato Rey, Puerto Rico 00918.

PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on 07-07-07 (date) for forwarding to the Court. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.


Signature

Dated: 07-07-07